



## **DRAFT MINUTES OF MEETING**

### **June 17, 2016**

Teleconference originating at the State Office Building  
333 Willoughby Avenue  
9<sup>th</sup> Floor Conference Room B-East  
Juneau, Alaska

**These draft minutes have been prepared by the staff of the Division of Corporations, Business and Professional Licensing. They have not been reviewed or approved by the Alaska Board of Marine Pilots.**

By the authority of AS 08.01.070(2), AS 08.62.030, and in compliance with the provisions of AS 44.62, Article 6, a meeting of the Alaska Board of Marine Pilots was held on June 17, 2016, in via teleconference.

### **June 17, 2016**

#### **Call to Order/Roll Call**

The meeting was called to order at 10:10 AM by Acting Chair Shirley Marquardt. The Acting Marine Pilot Coordinator (MPC) conducted roll call.

Members present constituting a quorum were:

Hans Antonsen	Pilot Member
Andrew Mack	Public Member
Shirley Marquardt	Public Member
Tom Rueter	Agent Member
Rick Erickson	Agent Member

Members Chris Hladick and David Arzt were excused.

Staff present:

Sara Chambers	Division Operations Manager acting as Marine Pilot Coordinator (MPC)
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Public participating:

Jenni Zielinski	SWAPA
Mike Tibbles	ASA
Captain Paul Merrill	SEAPA

Captain Rich Preston                      SEAPA  
Captain Gary Palmer

**Agenda Item 1                      Review and Set Agenda**

Chair Marquardt moved to add a discussion of the application for exemption from pilotage from the M/Y STAMPEDE to Other Business. Hearing no objections to the set agenda, it was:

RESOLVED to approve the agenda.

**Declarations**

Chair Marquardt called for any declarations of conflict of interest, and none were declared.

**Adopt Consent Agenda**

Chair Marquardt moved the consent agenda containing the following documents and motions:

1. The board's annual report has been drafted and circulated to board members for review. The remaining information will be completed at the end of the fiscal year, June 30, 2016.

**Motion: By adopting this consent agenda, the board moves to adopt the annual report with forthcoming statistical changes in compliance with AS 08.01.070(10).**

2. The Acting Marine Pilot Coordinator has provided in the board packet the following training updates:
  - a. Captain Maury's progress toward completion of his pilotage requirements.
  - b. Alaska Marine Pilot Association 1<sup>st</sup> Quarter Movement Report

**No board action required.**

3. The Acting Marine Pilot Coordinator has provided in the board packet the year-to-date actions on Foreign Pleasure Craft Exemptions.

**No board action required.**

Hearing no objections to the set agenda, it was:

RESOLVED to approve the consent agenda.

Mr. Mack joined the meeting.

**Agenda Item 2      Review/Approve Minutes for April 12, 2016**

Mr. Erickson asked for clarification on whether the April 12 draft included the correction noted by Mr. Tibbles at the May 17 meeting. Captain Antonsen provided the email message from the prior MPC stating that the correction had been made and was included in the draft presented to the board. The Chair called for a vote on the approval of the minutes:

**Motion: Approve minutes for April 12, 2016, and May 17, 2016.**

**Hearing no objections to the approval of meeting minutes, it was:**

**RESOLVED to approve meeting minutes for April 12, 2016, and May 17, 2016.**

**Agenda Item 3      Public Comment on Proposed Regulations**

12 AAC 56.990(a)(40)  
Definition of Length Overall (LOA)

There were no members of the public who wished to testify on proposed regulations.

**Agenda Item 4      Discussion Concerning Change to Regulation**

12 AAC 56.990(a)(40) Definition of Length Overall (LOA)

The chair invited Captain Rich Preston, co-chair of the board's Yacht Subcommittee, to present the subcommittee's recommended LOA definitions per their meeting minutes of May 9. The subcommittee proposed three changes to existing regulations:

12 AAC 56.115(a)(4) is amended to read:

(4) Report the vessel's length overall (LOA) to the Marine Pilot Coordinator using the definition in 12 AAC 56.990(a)(16); this length shall be used to determine exemption status and to calculate the fees set out in AS 08.62.140(b).

12 AAC 56.115(a)(5) is amended to read:

(5) Copy of the vessel's registry

12 AAC 56.990(a) is amended to read:

(16) "Overall length" and Length Overall as used in AS 08.62.180 and 12 AAC 56.115 means the horizontal distance of the hull between the forward-most part of the stem and the after-most part of the stern, excluding fittings and attachments.

Members discussed the Yacht Subcommittee's proposal to change 12 AAC 56.990(a)(40), observing that it is essentially the same as the board's proposal, though the slight changes depart from the Coast Guard definition.

Captain Antonsen clarified that “hull” and “stern” are not synonymous and may cause confusion. He referred to the diagram examples offered in Ron Hildebrandt’s written public comment. He supported the remaining amendments offered by the subcommittee.

Chair Marquardt observed that the discussion about defining LOA for fees and for actual length has gone back to 2012. Mr. Erickson said that in 2012 the board intended to use the registry for both purposes, but because the regulations aren’t worded that way, the topic has continued to be confusing. He stated this is why the Yacht Subcommittee was tasked to look into the matter to include all stakeholders and why the subcommittee intentionally worded their recommendation to clarify swim steps and other external fixtures.

Mr. Rueter observed that the application would need to include an attestation that the document is true and correct because there will be no way for the board to independently verify the LOA written on the application.

Captain Preston agreed with Captain Antonsen and suggested that the diagram in Captain Hildebrandt’s written comment be added to aid in application. He understood that if an application was falsified that a complaint can be lodged and an investigation initiated.

**Antonsen moved and Marquardt seconded.**

**12 AAC 56.990(a)(40) is amended to read: “overall length” and “length overall” as used in AS 08.62.180 and 12 AAC 56.115 means the horizontal distance between the forward-most and after-most points on the hull, excluding fittings and attachments.**

**12 AAC 56.115(a)(4) is amended to read:**

**(4) Report the vessel’s length overall (LOA) to the Marine Pilot Coordinator using the definition in 12 AAC 56.990(a)(16); this length shall be used to determine exemption status and to calculate the fees set out in AS 08.62.140(b).**

**12 AAC 56.115(a)(5) is added to read:**

**(5) Copy of the vessel’s registry**

After a roll-call vote, the motion passed unanimously.

## **Agenda Item 5**

### **Tonnage Upgrade: Captain Gary Palmer 25K GT to 65K GT**

Captain Antonsen reported that The Southeast Alaska Pilots' Association has conducted a review of Captain Palmer's training and dispatch. Captain Palmer has completed all supervised maneuvers required by SEAPA Training Program Vol II, Part VII(a)(1)(i)&(ii) and 12 AAC 56.018 for upgrade to 65k ton. He has currently performed vessel movements on 21 of the 30 days required by the same references. With his

scheduled dispatch, SEAPA projects he will have completed 30 days of vessel movements on or before June 29, 2016.

**Antonsen moved and Rueter seconded:**

**The board shall issue endorsement of not more than 65GT upon certification that Captain Palmer has satisfied the requirements of 12 AAC 56.018.**

Captain Palmer thanked Captain Antonsen and the board for their assistance. The board had no questions for Captain Palmer.

After a roll-call vote, the motion passed unanimously.

## **Agenda Item 6**

### **Investigations Update**

Chief Investigator Angela Birt joined the meeting. She referred to a report dated June 15 that was included in board packet

Chair Marquardt asked for clarification of the investigative process. Chief Birt explained that complaints are received as intakes. Once an intake is opened, information is gathered if determined to be jurisdictional. Often intakes are closed without review if they are nonjurisdictional or are not casualties as defined by the board.

Chief Birt asked whether the board wanted to employ an outside expert or use a pilot board member to review case 2016-000838 since it has been found jurisdictional. This reviewer will work with investigations to vet the information before presenting to the full board for a vote. Retaining an expert will prevent the reviewing member of the board from having to recuse himself in case of a vote.

Mr. Mack asked when was the last time an outside expert had been retained by this board, and Chief Birt stated 2014.

**Mack moved and Rueter seconded:**

**The board advises the division to retain an outside consultant to evaluate and review open case 2016-000838 and proceed accordingly.**

Captain Antonsen asked whether he may have a conflict of interest since the event under investigation occurred in Region 1. Chair Marquardt stated that there is no conflict of interest and that he has a responsibility to vote on the issue. Captain Antonsen concurred.

After a roll-call vote, the motion was adopted unanimously.

## **Agenda Item 6**

### **Other Business:**

The board selected October 13, 2016, as its first choice and October 14, 2016, as its second choice for their next meeting, to be held in Anchorage.

The board selected January 26, 2017, as its first choice for their following meeting, to be held in Anchorage.

The MPC will reconfirm all of these dates with the board via email.

**M/Y STAMPEDE discussion:**

Mr. Rueter stated that the M/Y STAMPEDE entered Ketchikan with a pilot and no exemption. Statute requires 30 days' notice; he is not sure why the captain was unaware of this requirement. The vessel has submitted a proper application and has not violated any pilotage requirements. Mr. Rueter wanted the board to send the message that the State of Alaska is open for business and recommends the board grant the application instead of attempting to punish the captain for the oversight.

Mr. Erickson asked whether the board should reply only to the sender when mail balloting. MPC clarified the Open Meetings Act and explained that mail balloting is only for up/down votes. Any member who wished to discuss should vote to table the vote, which would then require a publicly noticed meeting to discuss.

**Erickson moved and Rueter seconded:**

**The board shall issue a pilotage exemption to the M/Y STAMPEDE.**

Chair Marquardt clarified that statute is important; in this case, it sounds like STAMPEDE just didn't know the law. She expressed frustration that communication broke down between the vessel and the agent. Mr. Rueter reminded the board that sometimes people just aren't as prepared as the board would like and statute may not accommodate those spontaneous trips. He clarified that STAMPEDE employed a pilot and didn't break any rules.

Captain Antonsen clarified that while he appreciates the board's graciousness, these are professional mariners and that STAMPEDE called for a pilot less than 9 hours before needed. Pilots are supposed to be notified 48 hours ahead of time. He feels this is a cavalier attitude and is a risk to life and property.

Mr. Rueter is concerned that speculation regarding STAMPEDE's deficiency is not advisable and can't really be done without an investigation, which he does not recommend. He is concerned about the message being sent to the public if the approval is not granted.

Chair Marquardt restated that the 30 day statutory requirement was not met, the vessel employed a pilot while in the state, and now a request is before the board. Perhaps a sternly worded letter is in order to the captain.

**Motion on the floor:**

**The board shall issue a pilotage exemption to the M/Y STAMPEDE.**

**The chair requested a roll call vote:**

<b>Captain Antonsen</b>	<b>No</b>
<b>Mr. Erickson</b>	<b>Yes</b>
<b>Mr. Mack</b>	<b>Yes</b>
<b>Mr. Rueter</b>	<b>Yes</b>
<b>Ms. Marquardt</b>	<b>Yes</b>

**Motion passed 4-1.**

The board directed the MPC to include information in the letter to the captain of the STAMPEDE to call his attention to the board's statutes and regulations on this matter.

Mr. Erickson thanked SEAPA and Captain Antonsen for providing a pilot on such short notice. MPC stated that a vessel with a similar deficiency will come before the board soon; perhaps some kind of public relations/outreach will help educate visitors before traveling to Alaska.

Captain Antonsen thanked Chair Marquardt and Ms. Chambers for stepping in to support the board during the Chair and MPC vacancies.

The Chair adjourned the meeting at 12:00 p.m.

Respectfully submitted:

\_\_\_\_\_ Date: \_\_\_\_\_

Sara Chambers  
Acting Marine Pilot Coordinator

\_\_\_\_\_ Date: \_\_\_\_\_

Shirley Marquardt  
Acting Chair